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IN THE OFFICE OF THE UTAH STATE ENGINEER

UTAH DIVISION OF WATER RIGHTS

)	
In the Matter of the)	
Application for Permit)	Protest of Lower Jordan River
Utah Lake Distributing Co.,)	Water Users Association
Salt Lake County Water)	
Conservancy District, and)	Protestant
Welby Jacob Water Users Co., Applicant)	
Application No. a19826 (55-8940))	

The Lower Jordan River Water Users ("Protestant"), a group of water rights owners composed of private waterfowl hunting clubs, private irrigators, and PacifiCorp, owning water rights on the lower Jordan River, hereby protests the above-referenced application for permit of Salt Lake County Water Conservancy District ("District"), and states as follows:

1. Please send all correspondence and notices regarding the above referenced application to:

Jody L. Williams, Attorney for
Lower Jordan River Water Users Assn.
Kruse, Landa & Maycock
50 West Broadway, 8th Floor
Salt Lake City, Utah 84101
Telephone: (801) 531-7090

2. Protestant owns diligence claims, approved applications, and certificated water rights in the Jordan River used for irrigation, waterfowl habitat, power generation, water contract supply and other beneficial purposes.

3. The Salt Lake County Water Conservancy District ("District") filed Change Application 55-8940 (a19826) seeking to change the point of diversion, type of use, and place of use of 1,354.0 a.f. of water previously used in the Welby Jacob Water Users Company (WJWUC) upstream of Protestant's members points of diversion.

4. Approval of the application would adversely affect return flows to which Protestant's members are entitled.

5. The application does not specify if the WJWUC water sought to be changed is currently used in Salt Lake County or Utah County. Accurate calculation of the adverse impact on return flows is impossible until the Applicant provides this information.

6. The change should not be approved without ordering WJWUC or Utah Lake Distributing Company to take acreage previously irrigated by the water out of production.

7. If the change is approved, either the well should be regulated in priority or the annual yield, flow, and peak use should be decreased from the annual average irrigation delivery to compensate for lower irrigation yield in dry years.

8. PacifiCorp is a member of the Protestant. Its Jordan River water right for the 241 MW Gadsby Steam Electric generating station would be impaired by the District's change application. Gadsby generates 485 million kilowatt hours annually, enough to serve 68,000

homes and businesses. Built in 1949, Gadsby's power generation would cost millions of dollars to replace in today's market, if it could be replaced at all.

9. Approval of the District's application would be detrimental to the public interest in maintaining the important wetland ecosystem associated with the Great Salt Lake. This wetland complex consists of 150,000 acres of developed, managed wetlands, 40,000 of which are managed by private hunting clubs, including several of Protestant's members. In many years, sufficient water to protect these wetlands and marshes is unavailable. The ecosystem hosts 23 species of amphibians and reptiles, over 250 avian species and 64 species of mammals. Two endangered species, the peregrine falcon and bald eagle, and 19 sensitive species use the wetland area. Several avian species are found in their highest known concentrations in the Great Salt Lake ecosystem. For many others, it is their primary staging ground. Approving the District's application without insuring that downstream water rights for the marshes and wetlands are protected would violate the public interest.

WHEREFORE, Protestant requests that Change Application No. 55-8940 (a19826) be rejected and that the matter be set for hearing pursuant to Rule 655-6-7(B).

DATED this 7th day of May, 1996.

LOWER JORDAN RIVER
WATER USERS ASSOCIATION

By Jody L. Williams
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50 West Broadway, 8th Floor
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MAILING CERTIFICATE

On this 7th day of May, 1996, I mailed a true and correct copy of the foregoing Protest, postage prepaid, to:

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1636 West North Temple, Suite 200
Salt Lake City, Utah 84116-3156

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